



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,861	06/28/2001	Anthony F. Istvan	DIGE12366	5363

47053 7590 09/08/2006

CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER

BROWN, RUEBEN M

ART UNIT PAPER NUMBER

2623

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/895,861	Applicant(s) ISTVAN ET AL.	
	Examiner Reuben M. Brown	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-11 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-11 & 14-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/27/06 has been entered.

Response to Arguments

2. Applicant's arguments filed 6/27/2006 have been fully considered but they are not persuasive. With respect to Ellis, applicant argues that the reference does not teach the claimed feature of, 'the plurality of client system is organized according to an object-oriented model in which software objects are instantiated in an object hierarchy'. The 'object hierarchy' includes 'a household object that contains attributes and data related to a household in which the client systems are located'. Examiner respectfully disagrees and points out that the 'household object' reads on both the GUI shown in Fig. 11 and 18a&b. In Fig. 11, a parent is able to access Master Control 166 and a plurality of locations within a house. Thus the 'household object' reads on the GUI that lists the devices and control options for the house, see page 24, lines 7-37.

Art Unit: 2623

Fig. 18a&b is another GUI from which the parent may select locations to which profiles and settings may be applied, see page 28, lines 3-21.

Applicant argues on page 9, “At best, Ellis merely teaches that different television devices in a home may have their television program guide setting and that a local network in the home may enable users to communicate settings information from one television device to another television device”. Examiner points out that these features read on the claimed subject matter. For instance, applicants admit that Ellis discloses a plurality of client system. The “object hierarchy” reads on the master or primary device, which can control the settings for other locations in the location, page 24, lines 7-25. The plurality of user profiles (including customized settings) in Ellis also read on the claimed ‘plurality of user objects’. The plurality of user equipment, for instance shown in Fig. 3 read on the claimed ‘plurality of client systems’. Since the user profiles and settings may be distributed to the plurality of client systems, for instance see page 24, lines 5-30. Again the household object reads on the GUI shown for instance in Fig. 11 and Fig. 18a&b, whereas the user objects read on the named room assignments, each of which have their own profile or settings.

Applicant argues on page 11, with respect to now canceled claim 3 that the names of different TV equipment do not read on a user object. Examiner respectfully disagrees; the fact that each of these TV equipment may be accessed separately is the essence of a user object. Furthermore, since each of these objects may have different profile or setting reads on the additional feature of, “that contain attributes and data related to respective users of the client

Art Unit: 2623

systems”. Moreover the ability in Ellis to transmit one or more profiles associated with a particular person to at least TV equipment, also reads on the user object.

Applicant also argues with respect to claim 4 that Ellis discloses nothing that suggests an object-oriented model as claimed nor anything that discloses providing changes to a user object to all client system without further activity from the user. To the contrary, Ellis specifically requires action from the user to indicate where system changes are to be applied. However, examiner points out that the claim recites, “a plurality of client systems is configured to be accessed by the user to change a configuration of a user object of a plurality of user objects”, which clearly is directed to activity from the user. However, the claim does not explicitly recite after what point, “to provide the change to the all of the client systems of the plurality of client systems without further activity from the user”, takes place. Thus, the feature is broad enough to read on, after the user chooses to the option to send the adjustments to all of the client systems, in Ellis, there is no more user activity required.

With respect to claims 5-8, again applicant argues that user objects are not taught in Ellis. However, examiner notes that in applicant’s argument against claim 4, found on page 4-5 of the response, applicant states, “Ellis specifically requires action from the user to indicate where system changes are to be applied”. Examiner asserts that the user indication of where the changes takes place, reads on a user object at a client system(s). In other each location is a separate object, for instance, as shown in Fig. 11.

Art Unit: 2623

Regarding applicant's argument with respect to claims 11 & 14-24, the issues at hand are substantially the same as those discussed above, and are thus likewise treated.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4-11 & 14-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Ellis, (WO 00/04707).

Considering claims 1, the claimed system for viewing multimedia content, the system comprising;

‘a communication network’, and ‘a content & a broadcast center coupled to the communication network’, reads on the disclosure in Ellis that a local network of user equipment (set top boxes 60-68 & 81-83), is connected to a CATV headend via a server 80; Fig. 5; page 18, lines 5-22. The CATV headend meets the claimed ‘broadcast center’ and is inherently connected to a plurality of ‘content sources’. Furthermore the CATV distribution system in Ellis reads on the claimed ‘communication network’.

Art Unit: 2623

‘a plurality of client systems coupled to the broadcast center, wherein the plurality of client systems is organized according to an object-oriented model in which logical software objects are instantiated in an object hierarchy, that includes; a household object that contains attributes and data related to a household in which the clients systems are located’. The GUI shown in Fig. 11 & Figs. 18a&b disclose

‘a plurality of user objects that contain attributes and data related to respective user of the client systems’, reads on the profiles for each user of the system such for the parents and kids, page 24, lines 26-36; page 30, lines 1-23; page 33, lines 28-34 thru page 34, lines 1-15.

‘wherein the user objects are contained in the household object and, when instantiated, the user objects define the interaction of the respective users with the plurality of client systems’, also reads on the customized profiles, which Ellis teaches may be communicated to a plurality of locations within the household, (Fig. 3-5; Fig. 14; page 24, lines 7-32; page 26, lines 3-32; page 34, lines 1-15).

Considering claims 4, 14 & 22, the claimed feature of the ‘system being configured to be selectively accessed by a user to change a configuration of a user object, such that the system is configured to provide the change to all of the client systems without further activity from the user’, is met by the disclosure of Ellis of the parent changing the settings on the STB’s in the household, page 25-26 & Fig. 13-15. ‘Selectively’, reads on requiring a password, as taught in Ellis.

Considering claim 5, 15 & 24, Ellis teaches that new user equipment maybe added to the system, see page 25, lines 6-30. Thus the claimed feature reads on the discussion in Ellis that the system automatically distributes profiles and setting adjustments to all the user equipment found on the system, page 5, lines 13-25; page 24, lines 7-32; page 28, lines 15-34 thru page 29, lines 1-5; page 34, lines 1-14.

Considering claims 6 & 16, the claimed feature of the 'a user object of the plurality of user objects can be concurrently active in more than one client system', also reads on the centralized control of the plurality of client systems, as taught by Ellis, page 24, lines 7-25. In particular, since the master program is active and configuring setting in multiple devices, in Ellis, the claimed recitation is met, also page 5, lines 1-18.

Considering claims 7 & 17, the claimed 'anonymous user object, such that the anonymous user object is configured to be accessible to all users', is met by the interactive EPG 173, for instance shown in Fig. 12, which can be accessed by all the users, see page 23, lines 29-35 thru page 24, lines 1-6; page 27, lines 1-7.

Considering claims 8 & 18, the claimed feature of the 'server operatively coupled to the access means, and configured to include information related to each user object', is met by the discussion in Ellis, that using the master device, the primary use may adjust the controls and settings for all of the other devices, see page 24, lines 8-35 thru page 25, lines 1-34.

In particular, both primary user equipment 60 and the server 80, read on the claimed server, (Figs. 3-5 & Fig. 7a; page 16, lines 17-35; page 18, lines 5-22; page 19, lines 17-35). The claimed feature of 'including information related to each user of the plurality of user objects', reads on the master device controlling all of the other devices.

Considering claims 9, 19 & 23, the claimed 'revision history, which includes configuration changes of the plurality of objects', reads on the disclosure in Ellis of adjustments made to the screen settings of each of the set top boxes, page 5 & page 32, lines 1-10.

Considering claims 10 & 20, the claimed 'ticket number associated with each configuration change', is broad enough to read on the disclosure of Ellis, that a unique number may be provided by the program guide, so the that the user may access the guide settings fm remote locations, page 26, lines 25-30. The user's guide settings are revised based upon the user's adjustments.

Considering claim 11, the claimed system for viewing multimedia, the system comprising elements that correspond with subject matter mentioned above in the rejection of claim 1, is likewise treated.

'distribution means for distributing multimedia content from a source', reads on the TVDF 38 in Ellis, (Fig. 1).

Art Unit: 2623

'plurality of access means, communicatively coupled to the distribution means, for providing access to the multimedia content', is met by the plurality of set top boxes 60-70 & 81-83, (Fig. 3-5; Fig. 7; page 16-19).

Considering amended claim 21, the claimed method for viewing content delivered to a client system, comprising method steps that correspond with subject matter mentioned above in the rejection of claims 1 & 11, are likewise treated.

'associating plurality of client systems with a household', is met by the disclosure of Ellis, (Fig. 3-5; Fig. 7; page 16-19).

'delivering content from a content source via a communication network to at least one of plurality of clients systems', is met by the disclosure of Ellis, page 12, lines 5-25.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- | | | |
|----|----------------|---|
| A) | Sullivan | Discloses plurality of user objects on a plurality of client systems. |
| B) | Liebnaw | Discloses plurality of user objects in a household. |
| C) | Ellis | Cooperative TV equipment with distributive functions. |
| D) | Goode, Gautier | Multiple User accounts on a plurality of STB. |

Art Unit: 2623

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


REUBEN M. BROWN
PATENT EXAMINER